



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chairman Hal Stratton
 Commissioner Thomas H. Moore
 Commissioner Mary Sheila Gall

ITEM:

Lifetime Products, Inc.: Proposed Civil Penalty Settlement for \$800,000
(Briefing package dated March 3, 2004, OS No. 5152)

DECISION:

The Commission voted unanimously (3-0) to provisionally accept a Settlement Agreement and Order, which would order Lifetime Products, Inc. ("Lifetime") to pay a civil penalty of \$800,000. The Commission Compliance staff by a memorandum dated November 21, 2003, had previously recommended that the Commission request the United States Department of Justice to seek a \$1,000,000 civil penalty against Lifetime. While the recommendation was pending before the Commission, Lifetime agreed to an \$800,000 settlement. The Compliance staff alleged that Lifetime failed to timely report to the Commission that its portable basketball hoop has a bolt that can protrude and is in a area that will allow a basketball player to come in contact with it and the bolt can cause serious wounds to the basketball player. Lifetime violated the reporting requirements of section 15(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064(b). The failure to furnish information required by section 15(b) is a prohibited act under section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4). Section 20(a)(1) of the CPSA, 15 U.S.C. § 2069(a)(1), permits the imposition of civil penalties for any person who knowingly violates section 19 of the CPSA by a company's failure to report information under section 15(b).

For the Commission:


Todd A. Stevenson
Secretary

* Ballot vote due March 3, 2004